

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
4 State Bar No. 94811  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011 - 341

13 **JOHN FREDERICK FEUCHT**  
205 W. Islay Street, Apt #6  
Santa Barbara, CA 93101

**A C C U S A T I O N**

14 Registered Nurse License No. 449043

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
21 of Consumer Affairs.

22 2. On or about February 28, 1990, the Board of Registered Nursing (Board) issued  
23 Registered Nurse License No. 449043 to John Frederick Feucht (Respondent). The Registered  
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on September 30, 2011, unless renewed.

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1       “(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
2 violating of, or conspiring to violate any provision or term of this chapter or regulations adopted  
3 pursuant to it.

4       ....

5       “(f) Conviction of a felony or of any offense substantially related to the qualifications,  
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be  
7 conclusive evidence thereof.”

#### 8                                   REGULATORY PROVISIONS

9       7. California Code of Regulations, title 16, section 1444 states, in pertinent part:

10       “A conviction or act shall be considered to be substantially related to the qualifications,  
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
13 safety, or welfare.”

#### 14                                   COST RECOVERY

15       8. Section 125.3 provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19                                   FIRST CAUSE FOR DISCIPLINE

##### 20                                   (Conviction of a Substantially Related Crime)

21       9. Respondent is subject to disciplinary action under sections 2761, subdivision (f) and  
22 490, in conjunction with California Code of Regulations, title 16, section 1444, in that  
23 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
24 duties of a registered nurse. On or about June 30, 2008, after pleading guilty, Respondent was  
25 convicted of one misdemeanor count of violating Penal Code section 485 [appropriation of lost  
26 property] and one misdemeanor count of Penal Code section 488 [petty theft] in the criminal  
27 proceeding entitled *The People of the State of California v. John Frederick Feucht* (Super Ct. San  
28 Diego County, 2008, No. CN247726). The Court placed Respondent on probation for three

1 years, with terms and conditions. The circumstances surrounding the conviction are that on or  
2 about June 17, 2008, Respondent found and kept a lost cat even though the owner had requested  
3 the cat back and offered reward money for it. Instead Respondent kept asking the owner of the  
4 cat for more money. The owner offered \$1,000.00, and Respondent still refused to return the cat.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

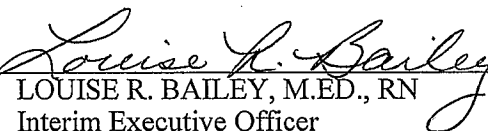
7 10. Respondent has subjected his license to discipline pursuant to section 2761,  
8 subdivisions (a) and (d), in that on or about June 17, 2008, Respondent committed acts which  
9 constitute unprofessional conduct. Complainant refers to, and by this reference incorporates, the  
10 allegations set forth above in paragraph 9, as though set forth fully.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
13 alleged, and that following the hearing, the Board issue a decision:

- 14 1. Revoking or suspending Registered Nurse License No. 449043, issued to John  
15 Frederick Feucht.
- 16 2. Ordering John Frederick Feucht to pay the Board the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to section 125.3.
- 18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: October 14, 2010

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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